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**Pennsylvania  
Environmental Network**

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*Voices for Environmental Justice Throughout Pennsylvania*

The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

September 4, 2001

Dear Secretary Abraham:

Pennsylvania Environmental Network (PEN), a state-wide network of over 50 environmental groups, objects to the lack of proper, reasonable notice and opportunity for hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository.

As you know, **Pennsylvania would be subject to approximately 6000 shipments of intensely radioactive nuclear reactor fuel** over the course of a few decades if Yucca Mountain is approved. Pennsylvania ranks second in transportation accidents resulting with hazardous releases (both in incidents and in economic damages), making the probability of an accident occurring in Pennsylvania a particular concern. The probably highway and rail routes projected by Nevada's Nuclear Waste Project Office show that shipments would cross through major population centers like the Philadelphia and Pittsburgh metropolitan areas, as well as many other parts of our state - crossing through nearly every congressional district in the state. **We are appalled that there is not a single public hearing being scheduled outside of Nevada on this issue which affects 43 states.**

On August 21, 2001, with less than 30 days for any interested person to read the DOE's more than 370 page long technical report, "Yucca Mountain Preliminary Site Suitability Evaluation," your agency announced it was holding public hearings on the site recommendation of Yucca Mountain in Nevada between September 5th and 13th. Not only are these hearings provided with totally inadequate notice, but, for persons who will be affected by the requisite transportation of high-level nuclear waste through their hometowns via rail and road, your agency has provided no opportunity to comment on the suitability of the recommendation. A few meetings in Nevada does not come close to providing an opportunity for public hearing on a project of this magnitude and immense potential danger to those on transportation routes throughout the county. In addition, it is plain that the notice you provided was defective not only for being absurdly short notice, but for providing notice to meet at a place, canceling that site, then providing another site with an incorrect address. Your agency also provided that final notice of the meeting at the wrong address on August 31st, the beginning of the long Labor Day weekend, less than five days to the meeting including the intervening weekend and holiday.

Finally, it is plain from the notices your agency published in the Federal Register on August 21, 27 and 31, that the public is not clearly placed on notice that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the preliminary site suitability evaluation. Even then, your provision of less than thirty days notice from the availability of the 370 page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings. The notice was absurdly short even to

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arrange one's schedule to attend, too far away from most persons who are interested due to being on the high-level nuclear waste transportation routes, too little time to acquire and assimilate the substance of the 370-plus page evaluation of the site, and completely defective due to the errors mentioned above.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves--and affected Nevadans--must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository. We ask that at least one hearing be held in every major city along the transportation route where and at least one in every state where more than 2000 shipments would occur.

Sincerely,

Mike Ewall, Nuclear Waste Coordinator  
Pennsylvania Environmental Network  
1434 Elbridge St.  
Philadelphia, PA 19149  
215-743-4884

Attached: Map of Probable Nuclear Waste Shipment Routes through Pennsylvania, Nevada Agency for Nuclear Projects, Nuclear Waste Project Office, January 1995.

cc: Lake Barrett, Acting Director, DOE Office of Civilian Radioactive Waste Management  
Carol Hanlon, DOE Yucca Mountain Site Characterization Office  
U.S. Senators Arlen Specter and Rick Santorum  
Pennsylvania Congressional Delegation

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